

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JOE ANN WEST,

11 Plaintiff,

12 v.

13 RAY MABUS,

Defendant.

CASE NO. 3:16-cv-05204-RBL

ORDER DENYING APPLICATION
TO PROCEED IFP

DKT. #1

14 THIS MATTER is before the Court on Plaintiff Joe Ann West's application to proceed *in*
15 *forma pauperis* [Dkt. #1]. West is a former employee of the Puget Sound Naval Shipyard. She
16 claims she and two other co-plaintiffs were retaliated against after filing Equal Employment
17 Opportunity complaints. She alleges that the Navy Secretary's EEO director retaliated against
18 them by refusing to promote and to train them. West asks the Court to allow her to proceed *in*
19 *forma pauperis* as "agent" of a class of similarly-retaliated-against Navy EEO complainants.

20 A district court may permit indigent litigants to proceed *in forma pauperis* upon
21 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The Court has broad
22 discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil
23 actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir.
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1 1963), cert. denied 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed in
2 *forma pauperis* at the outset if it appears from the face of the proposed complaint that the action
3 is frivolous or without merit.” *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir.
4 1987) (citations omitted); see also 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint
5 is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778
6 F.2d 527, 529 (9th Cir. 1985); see also *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

7 The Court does not deny *in forma pauperis* status lightly, especially where a Plaintiff
8 alleges retaliation for protected EEO activity. However, as a non-attorney, West cannot represent
9 her putative class members. *See Bradvica v. Terhune*, 198 F.3d 253 (9th Cir. 1999) (citing
10 *McShane v. United States*, 366 F.2d 286, 288 (9th Cir. 1966)) (holding that district court did not
11 abuse its discretion by denying non-attorney plaintiff IFP status because he could not represent
12 class members).

13 Therefore, West's application to proceed *in forma pauperis* [Dkt. #1] is **DENIED**. She
14 may amend her application to assert her retaliation claim only on her own behalf, or she may pay
15 the filing fee. Either must occur within **30 days** of this Order, or the case will be dismissed.

16 || IT IS SO ORDERED.

17 Dated this 2nd day of May, 2016.

Ronald B. Lightner

Ronald B. Leighton
United States District Judge